

**REDEVELOPMENT AGENCY MEETING
FEBRUARY 2, 1999**

The meeting called to order as the City Council at 10:09 a.m.

Roll Call Mathis, Wear, Kehoe, Stevens, Warden, Stalling,
 McCarty, Vargas and Mayor Golding

City Manager, Michael T. Uberuaga
City Attorney, Casey Gwinn
Secretary, Charles Abdelnour

The meeting adjourned as the City Council at 10:19 a.m.

The meeting reconvened as the Redevelopment Agency at 10:20 a.m.

CONSENT-ADOPTION

1. Approving resolution to:

Amend the Fiscal Year 1998-1999 Redevelopment Agency Budget for the San Ysidro, Barrio Logan and College Community Project Areas.

See Redevelopment Agency report dated November 20, 1998.

No one spoke in opposition to this item.

Motion by Member Kehoe to approve

Second by Member Wear

Vote: 9-0

Redevelopment Agency Resolution number R-02943.

2. Approving resolution and document to:

Approve the Third Amendment to Agreement for Legal Services with Kane, Ballmer & Berkman, Special Counsel, to authorize the additional expenditure of an amount not to exceed \$325,000 thereby increasing the total contract amount to \$1,340,000 for legal services for the Redevelopment Agency.

See Redevelopment Agency report no. RA 99-1, dated December 22, 1998.

No one spoke in opposition to this item.

Motion by Member Kehoe to approve

Second by Member Wear

Vote: 9-0

Redevelopment Agency Resolution number R-02944 and Redevelopment Agency Document number D-02944.

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CONSENT-ADOPTION

3. Approving resolution and document to:

Item A. Approve the construction of certain off-site improvements on India & Cedar Streets for the Lind Site (A1 & A2); and

Item B. Make certain findings with respect to the payments; and

Item C. Authorize CCDC to bid and construct said improvements.

See Centre City Development Corporation report dated January 12, 1999.

Council Companion Item No. 333.

No one spoke in opposition to this item.

Motion by Member Kehoe to approve

Second by Member Wear

Vote: 9-0

Redevelopment Agency Resolution number R-02945, and Redevelopment Agency Document number D-02945; and City Council Resolution number R-291257.

4. Approving resolution to:

Item A. Approve the construction of certain off-site improvements on Third and Fourth Avenues and "J" Street; and

Item B. Make certain findings with respect to the payments; and

Item C. Authorize CCDC to bid and construct said improvements.

See Centre City Development Corporation staff report dated January 13, 1999.

Council Companion Item No. 334.

No one spoke in opposition to this item.

Motion by Member Kehoe to approve

Second by Member Wear

Vote: 9-0

Redevelopment Agency Resolution number R-02946; and City Council Resolution number R-291258.

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CONSENT

5. Approving resolution and document to:

Approve an agreement with Kleinfelder for an amount not to exceed \$20,000 for the joint closure of the Marina Hydrocarbon Plume.

See Centre City Development Corporation staff report dated January 12, 1999.

Companion Item no. 6, The Sixth Amendment to Remediation Agreement & Seventh Amendment to Trust Agreement - Marina Hydrocarbon Plume.

No one spoke in opposition to this item.

Motion by Member Kehoe to approve

Second by Member Wear
Vote: 9-0

Redevelopment Agency Resolution number R-02947 and Redevelopment Agency Document number D-02947.

6. Approving resolution and documents to:

Approve the Sixth Amendment to the Remediation Agreement and Seventh Amendment to the Trust Agreement for the Marina Hydrocarbon Plume in the amount of \$20,000.

See Centre City Development Corporation report dated January 12, 1999.

Companion Item No. 5, The Keinfelder Agreement.

No one spoke in opposition to this item.

Motion by Member Kehoe to approve
Second by Member Wear
Vote: 9-0

Redevelopment Agency Resolution number R-02948 and Redevelopment Agency Document numbers D-02948a and D-02948b.

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CONSENT

7. Approving resolution to:

Amending the Fiscal Year 1998-99 Corporation budget adding two positions and increasing the Administrative Budget a total of \$35,000.

See Centre City Development Corporation staff report dated January 13, 1999.

No one spoke in opposition to this item.

Motion by Member Kehoe to approve
Second by Member Wear
Vote: 9-0

Redevelopment Agency Resolution number R-02949.

The meeting adjourned as the Redevelopment Agency at 10:22 a.m.

The meeting reconvened as the City Council at 10:23 a.m.

Deputy Mayor Wear chaired the meeting at 10:25 a.m.

Mayor Golding chaired the meeting at 10:27 a.m.

The meeting adjourned as the City Council at 10:31 a.m.

The meeting reconvened as the Joint City Council/Redevelopment Agency at 10:32 a.m.

PUBLIC HEARING

8. Approving resolutions to:

Item A. Certify the information contained in the Master Environmental Impact Report and the Environmental Impact Secondary Study prepared for the subject actions; and

Item B. Approve Marina Development Permit 98-0359, subject to the conditions of approval in the draft permit attached as Exhibit C and as shown in the Concept/Schematic Drawings shown in Exhibit B - for the 235 Market Street project (Intracorp).

See Centre City Development Corporation report dated January 15, 1999.

Brad Richter, project manager, Centre City Development Corporation, presented the staff report, and gave an overview of the proposed project.

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Public Testimony - Favor

Will Pfau, representing Intracorp, distributed information, presented exhibit boards, and gave a brief overview of the proposed project.

Dan Withee, architect for the project, available to answer questions.

Public Testimony - Opposition

Peggy Lieb, attorney, representing Amy Hom, said we are not opposed to downtown redevelopment. She said the opposition we have is that Amy Hom owns the building next door had certain rights which she thought were part of her building rights, was never told about this until at the CCDC meeting. Ms. Lieb said the Hom family has owned the building for 25 years, and continually used the parking lot for access, the rights are prescriptive easement rights. That no one has contacted her or discussed the proposed project.

Mayor Golding asked did the company do everything that was legally required as far as notices?

Ms Lieb responded yes, they did, and Amy appeared at the CCDC meeting and stated her opposition.

Mayor Golding asked what was the date?

Ms. Lieb said January 15.

Councilmember Mathis asked when did Ms. Hom receive notice?

Amy Hom, said she received a notice approximately one and half or two weeks prior to the CCDC meeting.

Councilmember Mathis asked Amy, you had no prior knowledge of this project until you received the notice for that meeting.

Amy Hom said yes.

Peggy Lieb requested the council not approve the development and allow the developer to come back with a second plan without it losing any of its work that is done with the other developmental agencies so that they can accommodate Amy Hom needs. So that we can come to some agreement and not go to court.

Mayor Golding said what the City is deciding today and any dispute between two private civil parties which the City is not involved. Where CCDC is, concern did Amy Hom received appropriate public notice about the development? The other issue when Amy came to the meeting, when did she received notice, what was she told, and was it too late to object. If she was given the right to speak publicly at that time.

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Brad Ritcher stated the Marina development permit if they were not requesting any exceptions to the Marina PDO, would not require any public hearings or public noticing. However, because they are requesting exceptions then two public hearings are required. Legal public notices were mailed to the owners of the property, and the Hom's regarding both of these hearings. The first notice late December, second notice mid January for the two public hearings. This gives the neighbors or community members to participate in the public process hearings. Ms. Hom did attend the CCDC Board of Director's meeting, the first public hearing, she did submit a letter and testified publicly. There was a question about the timing of her objections and not being involved earlier, but there were no requirements for any public noticing before that time. Ms. Hom was permitted to speak her objections to the project at that time.

Mr. Ritcher, said regarding the perspective easement, in our view that a perspective easement is a civil action between two property owners, and is not granted by any legislative body as requested in this case. Ms. Hom property is common to the downtown area, the downtown area was developed without alley ways, and most of the commercial businesses are frontloaded. She does have access to the front of her property from Third Avenue.

Mayor Golding in their letter did it stated she has a perspective nonexclusive easement?

Mr. Ritcher said there was no recorded easement to her property, and there is no court judgment dictating that she has easement to the property.

Mayor Golding asked you have not been able to locate any legal right to easement that she has.

Mr. Ritcher responded that is correct.

Casey Gwinn, City Attorney, said he concurred with the opinion of CCDC, that the claim of Ms. Hom is ultimately a private dispute between three parties, Intracorp, G.W. properties and Ms. Hom. That this has any relevance in the decision as municipal decision makers on this project. If she chooses to pursue it she would pursue in a court of law or negotiations with Intracorp and G.W. properties.

Public testimony closed.

Motion by Member Wear to approve

Second by Member Vargas
Vote: 9-0

Redevelopment Agency Resolution numbers R-02950 and R-02951.

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ADJOURNMENT

The meeting adjourned at 11:19 a.m.

Secretary of The Redevelopment Agency
of the City of San Diego, California